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Daf Notes is currently being dedicated to the neshamot of

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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

**Temptations**

Rava says that if one observes a non-Jewish harlot drinking wine with Jewish men, the wine is permitted, since we assume that the Jewish men were overcome with the temptation for immorality, but not by the temptation for libation of the wine for idolatry. However, if one observes a Jewish harlot drinking wine with non Jewish men, the wine is prohibited, because once the non Jewish men have lost respect for her, she will agree to their libation of the wine. (69b – 70a)

**Caught Red-handed?**

The *Gemora* relates stories that illustrate the principle that if a non-Jew is found with Jewish wine, it is permitted if he is afraid of being caught.

1. A non-Jew walked into a house with Jewish wine, and closed the door behind him, but the door had a crack. When the Jew entered the house, he found the non-Jew among the barrels of wine. Rava ruled that whatever wine was opposite the crack was permitted, since the non-Jew was afraid of being witnessed touching it, but the rest was prohibited.
2. There was a house with Jewish wine, with a Jew on the upper level, and a non-Jew on the lower level. There was a fight outside, and they both went out to see what was happening. The non-Jew returned first, and closed the door behind him. Rava ruled that the wine was permitted, since the non Jew would be afraid that the Jew returned first and was observing him from above.
3. A non-Jew was found among barrels of Jewish wine

in a motel. Rava said that if the non-Jew would feel like a thief if discovered, the wine is permitted, since he would be too scared to touch the wine, but otherwise, it is prohibited.

4. A non-Jew was found among barrels of Jewish wine. Rava said that if he would have a plausible excuse for being there, the wine is prohibited, but otherwise, it is permitted.

The *Gemora* challenges Rava from a *braisa* that says that if a motel with Jewish wine was locked with a non-Jew inside, or if a Jew told a non-Jew to guard his wine, the wine is prohibited.

The *Gemora* assumes that the *braisa* is even a case where the non-Jew has no plausible reason if he were found near the wine, but Rava deflects this by saying it’s only a case where has a plausible reason.

5. A Jew and non-Jew were drinking wine, and the Jew left when he heard the call for davening in shul. Rava said the wine was permitted, since the non-Jew is afraid that the Jew will remember his wine and return immediately.
6. A Jew and non-Jew were drinking wine, and the Jew left when he heard the siren announcing *Shabbos*. Rava said the wine was permitted, since the non-Jew is afraid that the Jew will remember his wine and immediately return. Even though it is *Shabbos*, the non Jew assumes that the Jew will violate *Shabbos* to salvage his wine.

Rava explains that Issur the convert said that when he wasn’t Jewish, he assumed Jews violate *Shabbos*, since otherwise

we would find many dropped money bags on Friday night, from Jews who had money bags on them when *Shabbos* began.

The *Gemora* explains that we don't find these bags, since we follow Rabbi Yitzchak, who allows one to move such a bag in increments less than 4 *amos* each, to avoid monetary loss.

7. A non-Jew in the wine press heard a lion roar and ran to hide among the barrels. Rava permitted the wine, since the non Jew would be afraid that a Jew similarly hid among the barrels and would observe him making an idolatrous libation.

8. Burglars entered Pumbedisa and opened many wine barrels. Rava permitted the wine, since most burglars are Jewish. (70a)

#### **What Doubts?**

Burglars entered Nehardea, and Shmuel permitted the wine. The *Gemora* suggests that this ruling follows Rabbi Eliezer, who permits based on a doubt of entry (*as opposed to a doubt of contact*), since we are not sure if the burglars were non Jewish.

The *Gemora* cites the *Mishna* which discusses one who entered a valley in the rainy season (*when it is desolate, and has the status of a private domain*), in which one field had impurity, but he didn't know whether he entered that field. Although we must rule strictly in a doubt in impurity in a private domain, Rabbi Eliezer says that if the doubt is whether he entered the field, we are lenient.

The *Gemora* deflects this and says that in Shmuel's case, we have another doubt, since some open the barrels in search of money.

A young non-Jewish girl was found among wine barrels, with foam in her hands. Rava permitted the wine, and said that even if there is no more foam at the tops of the barrels, we can assume that she found the foam at the top of the barrel, and did not touch the wine.

An army entered Nehardea and opened many barrels of wine. When Rav Dimi arrived, he said that a similar story occurred earlier, and Rabbi Elozar permitted the wine, but he isn't sure if he did so because he relied on a doubt of entry (*whether non-Jewish soldiers reached the wine*), or because we assume most of the soldiers are Jewish.

The *Gemora* clarifies that this is considered a doubt of entry, although there were definitely many non Jewish soldiers, since the large amount of barrels they opened makes it likely they opened them looking for money. (70a – 70b)

#### **Giving away the Keys...**

A wine merchant gave the keys to her wine to a non-Jew to guard. Rabbi Yitzchak said in the name of Rabbi Elozar that a similar story came to the academy, and they ruled that the wine is permitted, since the non-Jew was only entrusted with the keys, but not the wine.

Abaye supported this from a *braisa*, which says that if one entrusted an *am ha'aretz* (*one lax with purity of produce*) with the keys to his pure produce, the produce is still assumed to be pure, since he only entrusted him with the keys, not the produce itself. If we rely on such a rationale in the case of pure produce, we definitely would rely on this in the realm of prohibited wine.

The *Gemora* proves that the rules for purity of produce are stricter than for prohibited wine from a dispute of Rav and Rabbi Yochanan about a courtyard divided with a low divider. Rav says that if the divider separated pure produce from an *am ha'aretz*, the produce is impure, but if it divided wine from a non-Jew, the wine is permitted, since the non-Jew is afraid to cross the divider. Rabbi Yochanan says that pure produce is also still pure. Since both agree that it is effective to guard wine, but dispute whether it can guard pure produce, this proves that the rules for purity of produce are more stringent.



The *Gemora* attempts to disprove Rav from a *braisa*. The *braisa* says that if a *chaver* (who is careful with purity of produce) lives in the inner room, and an *am ha'aretz* in an outer one, the *chaver* may spread out his pure produce and utensils in his room, even if the *am ha'aretz* can reach inside, since we assume he will not cross the border between them.

Rav says that this case is different, since he has no legitimate reason to reach in, and would therefore be afraid to do so, but one partner can legitimately enter his partner's section of a courtyard.

The *Gemora* attempts to disprove Rabbi Yochanan from a *braisa*, where Rabban Shimon ben Gamliel says that if a *chaver's* roof is above one of an *am ha'aretz*, he may only spread his produce and utensils on his roof if the *am ha'aretz* cannot reach his roof. This indicates that an *am ha'aretz* would not be afraid to reach over the divider.

Rabbi Yochanan deflects this by saying that if one reaches above his roof, he can excuse himself by claiming that he was measuring his house.

The *Gemora* attempts to disprove Rav from a *braisa*, which allows a *chaver* to spread his produce and utensils on his roof which is adjacent to an *am ha'aretz's* roof, even if the *am ha'aretz* can reach over.

Rav agrees that this *braisa* is inconsistent with his position, but he can follow Rabban Shimon ben Gamliel from the previous *braisa*, who says that one is not afraid to cross a divider. (70b)

### **Soldiers**

The *Mishna* discusses a marauding band of soldiers enters a city. If it is peacetime, any open wine barrels are prohibited, since they may have libated it, but closed barrels are permitted. If it is wartime, all barrels are permitted, since the soldiers have no opportunity to libate the wine. (70b)

## **INSIGHTS TO THE DAF**

### **Temptations**

The *Gemora* states that if Jewish men are drinking wine with a non-Jewish harlot, the wine is permitted, since we assume that they were overcome with the temptation for immorality, but not with the temptation for prohibited wine. The Taz (YD 129:24) says that in his times this was not the case, as the prohibition on non-Jewish wine is not as severe as in the times of the *Gemora*. In the times of the *Gemora*, there was a real concern of libation, and therefore wine was prohibited from benefit, while nowadays there is not such a realistic concern, and therefore we only prohibit it from drinking. In addition, many people are very lax with prohibited wine, more than they are lax with immorality. Therefore, the Taz rules that nowadays we must assume the wine in this case is prohibited, since once we see that they have transgressed immorality, we must assume they would allow the non-Jewish harlot to touch the wine as well.

### **Prohibited Wine**

The *Gemora* records many cases where the ruling depends on whether the non-Jew in the proximity of Jewish wine would be afraid to be caught. If he is afraid, then the wine is permitted, since he is afraid of touching it, while if he is not afraid, the wine is prohibited. Rashi and the Rosh (16) learn that when the wine is prohibited, it is prohibited from benefit, since we are concerned that he performed idolatrous libation. The Ra'avad learns that the wine is only prohibited from drinking. The Shulchan Aruch (YD 128:1) rules like the Rosh.

### **Incremental Carrying**

The *Gemora* explains that if one is caught with a money bag when *Shabbos* arrives, the Sages allowed him to carry it in increments of less than 4 amos, to avoid leaving the money in the street over *Shabbos*. The Taz (OH 266:4) notes that this is only effective for carrying throughout a public and semi public domain (*reshus harabim and karmelis*), but *not* for carrying between domains (e.g., from the public domain into one's house). For those areas, one must throw the object in an abnormal manner.